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RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE

C O N F I D E N T I A L SAN SALVADOR 000390

SIPDIS

E.O. 12958: DECL: 04/29/2019
TAGS: [PGOV](#) [PREL](#) [KJUS](#) [ES](#)
SUBJECT: EL SALVADOR: TELECOMMUNICATIONS INTERCEPTS ONE
STEP CLOSER

REF: 2008 SAN SALVADOR 1383 (NOTAL)

Classified By: Charge d'Affaires, for reasons 1.4 (b) and (d)

¶1. (C) Summary: El Salvador's outgoing Legislative Assembly approved unanimously April 29 the first reading of a constitutional amendment needed to allow interception of telecommunications, which are currently prohibited by the constitution. The incoming Assembly, which will be seated May 1, must now approve the amendment with a two-thirds (56 of 84 votes) majority and pass implementing legislation. Embassy has highlighted passage of a new wiretap law as a key law enforcement tool; this vote is a big victory. End Summary.

¶2. (C) Conservative parties in the Legislative Assembly (ARENA, PDC and PCN) had approved the first reading of a similar amendment to enable telecommunications intercepts during the 2003-2006 Assembly. However, those parties neither consulted with nor garnered the support of the (left-wing) FMLN, whose votes are essential for the subsequent approval of an amendment with a two-thirds majority. During 2008, Embosffs worked with key ARENA and FMLN deputies to draft an acceptable compromise amendment text and implementing legislation. By March 2009, all parties in the Assembly had agreed to the draft amendment and draft implementing legislation with the added safeguard that implementing legislation must be approved with and can only be modified with a two-thirds vote. This assures that both the FMLN and ARENA must agree to its passage and any subsequent changes.

¶3. (C) The Legislative Assembly should have approved the first reading of the amendment on April 23. However, parliamentary maneuvering to force the FMLN to vote on another constitutional amendment aimed at banning gay marriage brought that Assembly session to a halt. The FMLN refused to support the PDC-sponsored gay marriage amendment calling it poorly drafted, but offered its own replacement amendment, privately acknowledging to us that they had copied the tactics used by the Embassy in pursuit of wiretap authority. The FMLN's new gay marriage amendment was approved late April 29 paving the way for the telecommunications intercept amendment to pass. It was approved unanimously with 75 votes in favor. (Note: Nine deputies were absent.) The incoming Assembly, to be seated May 1, must now pass the amendment with a two-thirds majority (56 votes) and approve accompanying implementing legislation by the same margin.

¶4. (C) Comment: After nearly a year of quietly working behind the scenes with the two main political parties in the Salvadoran Legislative Assembly, the country is now one step closer to giving its law enforcement officials an important investigative tool, what FBI Director Robert Mueller called

during his December 2008 visit "the most important tool in the fight against organized crime." Just as important, El Salvador's two main political parties have demonstrated that they are able to set aside partisan politics and address sensitive, important issues in the national interest. U.S. Embassy involvement, as honest broker behind the scenes, was crucial in bringing about this outcome. We couldn't be more pleased. End Comment.
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